IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 22529 of 1994

Between:
M. Shaik lal S/o. Khader Saheb R/o. Damalacheruvu Village, Pakala Mandal, Chittoor District.

.....
PETITIONER

AND
1. Mandal Revenue Officer Pakala Mandal, Pakala, Chittoor District.
2. The Revenue Divisional Officer Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the proceeding No.Roc.C/1159/93 dated 27-12-1993 of the 1st Respondent, as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and without jurisdiction and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the land by the petitioner in S.No.2322/2B of Damalacheruvu village, Pakala Mandal, Chittoor District and pass such other orders.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents: G.P. for Revenue.

The Court Made the Following :

ORDER

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The petitioner, who claims to be the assignee, seeks a declaration that the proceedings in ROC.C/1159/93 dated 27.12.1993

as illegal and arbitrary and for a consequential direction to the respondents not to interfere with the peaceful possession and enjoyment of the land in S.No.2322/2B of Damalacheruvu village, Pakala Mandal, Chittoor district.

Heard both sides.

The claim of the petitioner is that he was an assignee of the land in question earlier and by the impugned proceedings the assignment, which is in his favour, was cancelled, without giving an opportunity to him. Though several contentions raised on behalf of the petitioner, as pointed out, the impugned proceedings are passed without notice to the petitioner. It is no doubt true that the 1st respondent Mandal Revenue Officer, inspected the land, conducted enquiry, but the said enquiry was conducted without prior notice to the petitioner. Even in the counter filed, there is no mention about the giving of prior notice to the petitioner before passing the impugned order. Therefore, it has to be held that the impugned proceedings are passed against the principles of natural justice. The impugned proceedings are, therefore, quashed and the writ petition is accordingly allowed. No costs.

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2nd July 2004

BJ/Glv

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the second day of July, Two thousand and Four.

Sd/- xxx xxx xxx
ASSISTANT REGISTRAR

To

1 Mandal Revenue Officer Pakala Mandal, Pakala,
Chittoor District.

2 The Revenue Divisional Officer Tirupati, Chittoor District.

3. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.(O.U.T)

4. TwoCD copies.